

### **REMARKS**

In response to the Office Action mailed on November 7 2006 for the above-identified application, applicant responds as follows. A response for this Action was due on February 7, 2007. Therefore, this response, filed on or before May 7, 2007, as sent with a request for three-month extension of time, is to be considered timely.

The Examiner stated that Claims 1-3, 5, 9-13, 15, 16, 20 and 21 are pending in the application. Claims 1-3, 5, 10-13, 15, 16 and 21 are rejected. Claims 9, 11 and 20 are objected to. Claims 4, 6-8, 13-19 have been cancelled. Claims 1-3, 5, 10 and 12 have been amended. No claims have been allowed.

No new subject matter has been added to the subject application with the filing of this response. Applicant reserves the right to file divisional applications on the subject matter that has been subject to restriction and continuation applications on the subject matter that has been deleted out of all currently amended claims.

#### **35 USC §112, First Paragraph**

The Examiner stated that claims 1-3 and 5 are rejected under §112, first paragraph for enablement issues. The Examiner stated that the disclosure by the specification on page 13, provides insufficient enablement for the claim scope of "all solvates" in the rejected claims.

Without stipulating to the substance of the rejection, and solely to advance the prosecution of this application, applicants have amended claims 1-3 and 5 to advance the prosecution of this application. Applicants are canceling the term "solvate" without prejudice and reserve the right to file a continuation application directed towards solvates at a later date. As it is believed that this rejection is now moot, applicants respectfully request the withdrawal of this rejection.

The Examiner stated that claims 10, 12-13 and 15-16 are rejected under §112, first paragraph for enablement issues. The Examiner stated that the rejection is maintained for failure to enable the treatment of diseases other than diabetes or obesity.

Without stipulating to the substance of the rejection, and solely to advance the prosecution of this application, applicants have amended claims 10 and 12 and

canceled claims 13, 15-16 without prejudice to advance the prosecution of this application. Applicants are canceling the term "metabolic disorder" without prejudice and reserve the right to file a continuation application directed to this term at a later date. As it is believed that this rejection is now moot, applicants respectfully request the withdrawal of this rejection.

The Examiner stated that claims 10-12 and 14 are rejected under §112, first paragraph for failing to comply with the written description requirement. The Examiner stated that the specification discloses subject matter such as a metabolic disorder such as obesity (page 4). However, the Examiner stated that there is a lack of antecedent basis for metabolic disorder that is caused by obesity.

Without stipulating to the substance of the rejection, and solely to advance the prosecution of this application, applicants have amended claims 10 and 12 and canceled claim 14 without prejudice to advance the prosecution of this application. Applicants are canceling the term "metabolic disorder" without prejudice and reserve the right to file a continuation application directed to this term at a later date. As it is believed that this rejection is now moot, applicants respectfully request the withdrawal of this rejection.

The Examiner stated that claims 9, 11 and 20 are rejected as being dependent on a rejected base claim but would be allowable if limited to the elected compounds, i.e. non-solvated compounds.

Applicants respectfully submit that in view of the above response, applicants have sufficiently addressed the Examiner's objections and that the application, as amended, is in condition for allowance.

If any additional fees, other than the appropriate extension of fees, are determined to be due by this paper, the Commissioner is hereby authorized to deduct such fees from **Account No. 19-0365**.

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

Respectfully submitted,



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Date: \_\_\_\_\_

5/3/07